

Rockport Board of Appeals
August 26, 2014
7:30 P.M.
Rockport Public Library
The Brenner Room
17 School Street, Rockport, MA

- 1) Call to order at 7:30 P.M. Members present Alan Battistelli (Chairing), Tacy D. San Antonio, Peter Bergholtz, Frederick Frithsen, Lars-Erik Wiberg, Joyce Fossa, Charles W. Christopher, John N. Rees and Michael Bace.
- 2) Hearing of Mary E. Sullivan for a special permit and/or variance to construct three decks and stairs on each of three levels, two balconies on two levels (second and third) and two shed dormers all on an existing non-conforming residence at 3 King Street, Rockport.
 - a) Opened 7:30 P.M. Continued to September Meeting.
 - b) Members of the Board sitting are Alan Battistelli (Presiding), Peter Bergholtz, Charles W. Christopher, John N. Rees and Frederick Frithsen.
 - c) Materials presented: general plan, site plan, floor plan, elevations and photographs.
 - d) Robert Gulla Architecture, 593 Essex Ave, Gloucester, represented the petitioner.
 - i) This is a 4 unit-lodging house trying to create living space in the attic.
 - ii) There will be outside stairs on the west side of the building.
 - iii) There will be a balcony off the bedroom that will also act as fire egress.
 - e) John N. Rees commented that the balcony would only be a place to go until rescued rather than an egress.
 - f) Alan Battistelli asked the percentage of living space on the top floor.
 - g) Charles W. Christopher asked about the dormers, if they fit the 80% rule and need to be 2½ -feet on each end. Mr. Gulla stated that if they didn't he would adjust them to do so.
 - h) Alan Battistelli stated that the deck on the first floor as presently designed would need a variance.
 - i) John N. Rees suggested that a smaller deck would not require a variance as it would meet the setback requirements.
 - j) The architect will adjust the plans to make the living space fit the 66% limit.
 - k) Shed dormer slope must be four twelve but Alan Battistelli says three twelve.
 - l) John N. Rees asked if the space in the attic was going to be common room for the 4-units and was told yes.
 - m) Charles W. Christopher asked if it was in wetlands what has the conservation commission said?
 - i) The petitioner hasn't gone to the conservation commission.
 - ii) Charles W. Christopher said that that some notification from the conservation commission about this is needed.
 - n) Audience
 - i) Pat O'Malley, 7 King Street, is not opposed to plans as it will be an improvement.
 - ii) Marcia Lombardo, 16 Beach Street, is opposed to the petitioner's request, as it will cause a noise problem.
 - o) Charles W. Christopher remarked that front dormer on a half colonial destroys the appearance and asked if only one dormer would be possible. He was answered yes.
 - p) The petitioner's representative asked for a continuance to the September meeting of the Board so that they could present modified plans.

- q) The request was granted.
- 3) Hearing of George and Janice Ramsden for a special permit and/or a variance to replace a one story sun room with a larger 12 by 14 foot two story addition with a 3 by 8 foot landing and step, enclose an existing outdoor utility area on the first floor, construct a 43 by 7 foot addition over an existing first floor and to construct a 5 by 1 1/2 foot canopy over the front door all on an existing non-conforming residence at 20 Beach Street, Rockport.
 - a) Opened 7:53 P.M. Closed 8:03 P.M.
 - b) Members of the Board sitting are Alan Battistelli (Presiding), Peter Bergholtz, Tacy San Antonio, Lars-Erik Wiberg and Michael Bace.
 - c) Materials presented: general plan, site plan, floor plan, elevations and photographs.
 - d) Ellen Levine, Treehouse Design 31 Poole's Lane, represented the petitioners.
 - i) Plan is to add a second story on a one-story wing, removing a glass addition.
 - ii) It is an existing nonconforming lot with a nonconforming house.
 - iii) It will be no closer to the lot line.
 - e) Alan Battistelli noted that the lot coverage was going from about 40% to 42% which is above the maximum 25% required.
 - f) Ellen Levine
 - i) They will be removing the retaining wall in front for parking spaces.
 - ii) The house is about 145 years old and small with a height of about 19 1/2 feet.
 - iii) She submitted a sheet of neighbors signatures who are in support of these plans which were stamped in by the Chairman.
 - g) No audience participation.
- 4) Hearing of 154 Thatcher Road Realty Trust for a special permit and/or variance to change the non-conforming use; to access the property from a place other than required in the Bylaw; and to construct additions to existing buildings exceeding the lot coverage on the property at 154 Thatcher Road, Rockport.
 - a) Opened 8:04 P.M. Closed 8:30 P.M.
 - b) Members of the Board sitting are Alan Battistelli (presiding), Lars-Erik Wiberg, Joyce Fossa, Frederick Frithsen and Michael Bace.
 - c) Materials presented: general plan, site plan, floor plan, elevations and photographs.
 - d) Attorney Wilhelmina Sheedy, 76 Main Street, represented the petitioners.
 - i) The plan is to alter and expand the commercial use of the property.
 - ii) The property has been used as a machine shop and parking lot. The buildings are nonconforming, tired and dated structures.
 - iii) They will square off the corner of the A-building and increase its size. The B-building's size will also increase.
 - iv) The buildings will be conforming except for the lot coverage which will go from 15% to 16% where 15% is the limit allowed.
 - v) A storage facility is planned with a key card entry.
 - vi) The roof will be raised but will remain one story with added siding.
 - vii) Will keep the same elevations with no windows.
 - viii) There will be three entries for A-building and four entries on the B-building.
 - ix) Hours will be 7 A.M. to 7 P.M..
 - x) Will clean up the site and improve the landscaping.
 - xi) The change of use will not be more detrimental to the neighborhood. It is in harmony with the bylaws.

- xii) John Juddan engineer from Gateway consultants stated that the average of 6.82 vehicles per day visit per 100 units so this will have a low traffic count certainly less than the machine shop.
- e) Alan Battistelli asked if there was a bathroom in each unit and was told that only in one but customers from either building will have access to it.
- f) Joyce Fossa asked about access and was answered that it is the same as the machine shop.
- g) Michael Bace stated that a special permit would be required for change of use and one for the lot coverage.
- h) Frederick Frithsen asked about the units and was answered that each building would hold about 40-limited storage, climate controlled units.
- i) Audience
 - i) Jane Gale, 152 Thatcher Road, spoke in opposition and submitted letter that was stamped in at the end of the hearing.
 - (1) There will be a lot of itinerate people coming and going.
 - (2) The large proposed addition will be cutting into the hill.
 - (3) Water drainage is a problem and this could cause flooding.
 - (4) Change in access is over her property, which was for emergency use only.
 - ii) Mina Sheedy replied that the number of visitors will be less than a machine shop and 36 beach parking spaces. The buildings have been there since 1954.
 - iii) Pat Titus, 156 Thatcher Road, the potential buyer
 - (1) The machine shop was open.
 - (2) The back building hasn't been used in years.
 - iv) Jay Smith one of the trustees owning the property
 - (1) Machine shop had about 20 employees.
 - (2) It was open from 6 A.M. to 11 P.M.
 - (3) He presently lives next to property.
 - (4) Access is driveway off Thatcher Road and common road around
- 5) Approval of Minutes
 - a) Charles W. Christopher moved to accept the July 29, 2014 Minutes as presented and Frederick Frithsen seconded.
 - b) It passed unanimously with Alan Battistelli, Tacy D. San Antonio, Peter Bergholtz, Frederick Frithsen, Lars-Erik Wiberg, Joyce Fossa, Charles W. Christopher, John N. Rees and Michael Bace voting.
- 6) Old Business: Electronic application and meeting process.
 - a) IT department has supplied a computer for the Board.
 - b) Software is needed so Helen Barnett has filed a ticket with the IT Department requesting upgrades and software.
- 7) New Business:
 - a) Under the Open Bylaws Attorney Mina Sheedy asked for a change of agenda so that she might submit a request.
 - b) Peter Bergholtz moved to change the agenda and Lars-Erik Wiberg seconded. The motion passed unanimously with Alan Battistelli, Tacy D. San Antonio, Peter Bergholtz, Frederick Frithsen, Lars-Erik Wiberg, Joyce Fossa, Charles W. Christopher, John N. Rees and Michael Bace voting.
 - c) Wilhelmina Sheedy presented a request from the owners of 79 Marmion Way.
 - i) The owners wish to use the second floor of garage for living space.
 - ii) A Special Permit from 1995 limits it to storage only.

- d) Tacy San Antonio stated that at the time of the Special Permit the board didn't want the garage to change into an accessory dwelling. If it has no kitchen it cannot be an accessory dwelling. This living space is OK as long as it doesn't become an accessory dwelling.
 - e) Frederick Frithsen objected to this issue as he felt it circumnavigated the Open Meeting Law. It should have been brought to the next meeting where it could be posted on the agenda.
 - f) Peter Bergholtz moved to allow the living space with the condition that it remains an accessory building and not an accessory dwelling. Tacy San Antonio seconded and it passed unanimously with the five full Board members, Alan Battistelli, Tacy D. San Antonio, Peter Bergholtz, Charles W. Christopher and John N. Rees voting.
- 8) Discussion of Hearings
- a) Mary Sullivan hearing continued to September Meeting.
 - b) George and Janice Ramsden
 - i) Michael Bace moved to grant a Special Permit for lot coverage and a Special Permit for the three additions. Peter Bergholtz seconded.
 - ii) It passed unanimously with Alan Battistelli (Presiding), Peter Bergholtz, Tacy San Antonio, Lars-Erik Wiberg and Michael Bace voting.
 - c) 154 Thatcher Road Realty Trust
 - i) Lars-Erik Wiberg
 - (1) Its not a big change
 - (2) It is less detrimental to the neighborhood but if they hadn't made it bigger a Special Permit wouldn't be needed for the size.
 - (3) It is a new venture that will clean it up.
 - (4) It has been vacant less than 2 years
 - (5) Change of use is OK but the size issue is a problem.
 - ii) Frederick Frithsen stated that the extra space is needed to make the new business viable.
 - iii) John N. Rees moved to approve the request with the present access and Frederick Frithsen seconded. It passed unanimously with Alan Battistelli, Lars-Erik Wiberg, Joyce Fossa, Frederick Frithsen and Michael Bace voting.
- 9) Next Possible Meeting September 30, 2014
- 10) Motion to adjourn made by Lars-Erik Wiberg and seconded by Peter Bergholtz. It passed unanimously with Alan Battistelli (Chairing), Tacy D. San Antonio, Peter Bergholtz, Frederick Frithsen, Lars-Erik Wiberg, Joyce Fossa, Charles W. Christopher, John N. Rees and Michael Bace voting. Adjournment at 9:20 P.M.